

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/016,739 01/30/98 GODWIN

D 1002-0537

EXAMINER

PM82/0201

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UNDERWOOD, D

ART UNIT

PAPER NUMBER

3652

DATE MAILED:

02/01/00

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/016,739 Examiner Underwood	Godwin et al Group Art Unit 3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 12/10/99
- This action is **FINAL**.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-3, 5-11, 13-18 & 20 is/are pending in the application.
- Of the above claim(s) None is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-3, 5-11, 13-18 & 20 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No: (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 11 Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 3652

Detailed Action

1. The request filed on 12/10/99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/016,739 is acceptable and a CPA has been established. An action on the CPA follows.
2. Receipt of applicants' Information Disclosure Statement filed 12/10/99 is acknowledged. The references listed thereon have been considered but since they are already of record they have been lined through.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-3, 5-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton.

It would have been obvious to use conventional hydraulic actuators in lieu of the electric actuator in Burton in view of the fact that Burton replaces conventional hydraulic actuators with an electrical actuator. See Burton, column 4, lines 18-27.

6. Claims 1-3, 5-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burton in view of Bloom, Jr.

It would have been obvious to substitute an hydraulic cylinder for the actuator in Burton in view of the teaching in Bloom (element 60).

7. Claims 1-3, 5-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Burton.

It would have been obvious to lengthen the pins in Kim to provide visual checks from the cab in view of the teaching in Burton.

8. Any inquiry concerning this communication should be directed to D. Underwood at telephone number (703) 308-1113.

Underwood-Carmen

January 20, 2000

Donald W. Underwood 1/31/00
DONALD W. UNDERWOOD
PRIMARY EXAMINER